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**TITLE 405 OFFICE OF THE SECRETARY OF  
FAMILY AND SOCIAL SERVICES**

LSA Document #05-294(F)

DIGEST

Adds 405 IAC 5-4-4 to specify criteria for the Office of Medicaid Policy and Planning to enter into a provider agreement with a nursing facility and conditions for reimbursement when an existing provider makes changes in certified beds. Effective 30 days after filing with the Secretary of State.

**405 IAC 5-4-4**

SECTION 1. 405 IAC 5-4-4 IS ADDED TO READ AS FOLLOWS:

**405 IAC 5-4-4 Enrollment of a nursing facility; conditions for reimbursement for certified beds**

**Authority:** IC 12-8-6-5; IC 12-15-1-10; IC 12-15-11

**Affected:** IC 12-15; IC 16-21-2; IC 16-29-3-1; IC 23-2-4

**Sec. 4. (a) The office may enter into a Medicaid nursing facility provider agreement only if the nursing facility is under development on December 15, 2005, to add, construct, or convert certified beds. For purposes of this rule, in determining whether the facility is under development on December 15, 2005, the office shall consider:**

**(1) whether:**

**(A) architectural plans have been completed;**

**(B) funding has been received;**

**(C) zoning requirements have been met; and**

**(D) construction plans for the project have been approved by the Indiana state department of health and the division of fire and building safety; and**

**(2) any other evidence that the office determines is an indication that the nursing facility is under development.**

**(b) Medicaid reimbursement is available to the following enrolled providers:**

**(1) An existing nursing facility that adds comprehensive care beds that will be used solely to provide specialized services and is subject to IC 16-29.**

**(2) A hospital licensed under IC 16-21-2 that converts acute care beds to comprehensive care beds as authorized by IC 16-29-3-1.**

**(c) Unless the provider satisfies one (1) of the exceptions listed in subsection (a) or (b), Medicaid reimbursement is not available to a Medicaid-enrolled nursing facility or hospital for Medicaid-certified beds that:**

**(1) have been added after December 15, 2005; or**

**(2) were converted from noncertified beds or acute care beds after December 15, 2005.**

**(d) This section expires on June 30, 2007. (Office of the Secretary of Family and Social Services; 405 IAC 5-4-4; filed Jun 2, 2006, 2:11 p.m.: 29 IR 3354)**

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